

REMARKS

Claim 62 is added. Claims 43-62 are in the application for consideration.

The last office action ignores the previous addition of claims 59-61. As such where properly presented, examination thereof is required of the Examiner, and is respectfully requested.

Further, new claim 62 is added, and is at least supported by the processing occurring between Figs. 5 and 6. Accordingly, examination of this claim is also requested.

Independent claim 43 stands rejected under 35 U.S.C. §101 as constituting double-patenting in light of claim 11 of U.S. Patent No. 6,696,224. Applicant disagrees. Claim 11 of 6,696,224 requires that the semiconductor substrate comprised silicon, whereas claim 1 of the instant application does not. Accordingly, claim 1 of the instant application can be infringed without requiring infringement of claim 11 of 6,696,224. Accordingly, the Examiner's rejection of claims 43-58 as §101 double-patenting over claims 11-25 of U.S. Patent No. 6,696,224 is in error, and must be withdrawn. Action to that end is requested.

Independent claim 43 also stands rejected as constituting double-patenting under §101 of claim 6 of U.S. Patent No. 6,486,074. Applicant disagrees and requests reconsideration.

The Examiner is reminded that 35 U.S.C. §112 requires an Applicant to present claims in the manner which it "regards" as its invention. How an

Applicant regards its invention is provided in the manner which claims are literally worded. Accordingly, an Examiner must interpret and analyze a claim as it is literally worded, and not read or provide limitations into a claim which simply are not literally worded therein. There are limitations appearing within issued claim 6 of 6,486,074 which simply are not present in claim 43 of the instant application.

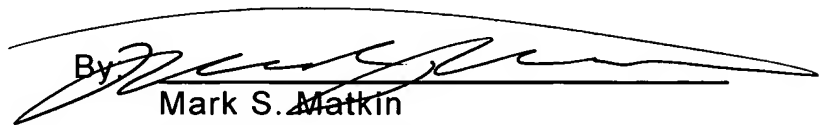
For example, issued claim 6 of 6,486,074 requires removing the ion implanted regions of the imaging layer to leave a pattern of openings extending only partially into the imaging layer, with such openings thereby respectively having a base within the imaging layer. Claim 43 of the instant application, however, does not recite and thereby does not require to form or leave a pattern of openings which extend only partially into the imaging layer. Accordingly, claim 43 encompasses a process whereby the stated removing extends the openings to the layer to be etched, and accordingly claim 6 of 6,486,074 can be infringed without infringing claim 43 of the instant application. Accordingly, the §101 rejection of claim 43 over claim 6 of 6,486,074 is seen to be in error, and should be withdrawn. Further, since claim 43 is not rightfully rejectable under §101, claims 44-50 and 55 depending therefrom should be allowed as depending from an allowable base claim and for their own recited features which are neither shown nor suggested by the prior art. Accordingly, action to that end is requested.

Even were the Examiner to persist in rejection under §101 over U.S. Patent No. 6,486,074, claims 51-54 and 56-63 should be indicated to contain allowable subject matter.

This application is believed to be in immediate condition for allowance.

Respectfully submitted,

Dated: 7-19-05

By 
Mark S. Matkin
Reg. No. 32,268